

*Arizona Administrative Register*  
Notices of Rulemaking Docket Opening

## NOTICES OF RULEMAKING DOCKET OPENING

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening whenever an agency opens a rulemaking docket to consider rulemaking. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process.

### DEPARTMENT OF AGRICULTURE

1. **Title and its heading:** Title 3, Agriculture  
**Chapter and its heading:** Chapter 2, Department of Agriculture - Animal Services Division  
**Article and its heading:** Article 3, Feeding of Animals  
Article 4, Animal Disease Prevention and Control  
Article 5, State-Federal Cooperative Disease Control Program  
Article 6, Health Requirements Governing Admission of Animals
2. **Subject matter of the proposed rules:**  
These rules govern the operation of feedlots; the state-federal cooperative disease control program; and the specific types of rabies vaccines for animals. The rule changes include updating each incorporation by reference, correcting old terminology, eliminating text duplicated from statute, and changing the reference from the "Board" to the "Director" which implements the changes in Article 1, Department of Agriculture, consisting of §§ 3-101 to 3-108, and added by Laws 1989, Ch. 162, § 3 effective January 1, 1991; incorporating by reference publications which the Department is using for enforcement; and repealing rules which no longer apply.
3. **A citation to all published notices relating to the proceeding:** None
4. **Name and address of agency personnel with whom persons may communicate regarding the rule:**  
Name: Shirley Conard, Rules Specialist  
Address: Arizona Department of Agriculture  
1601 North 7th Street, Room 434  
Phoenix, Arizona 85006-2299  
Telephone Number: (602) 407-2834
5. **The time during which written submissions may be made:**  
8 a.m. - 5:00 p.m. M - F  
**The time and place where oral comments may be made:**  
8 a.m. - 4:30 p.m. M - F  
Arizona Department of Agriculture  
1601 North 7th Street, Room 434  
Phoenix, Arizona 85006-2299
6. **A timetable for agency decisions or other action in the proceeding:**  
None.

### DEPARTMENT OF AGRICULTURE

1. **Title and its heading:** Title 3, Agriculture  
**Chapter and its heading:** Chapter 2, Department of Agriculture - Animal Services Division  
**Article and its heading:** Article 7, Livestock Inspection  
**Section numbers:**
2. **Subject matter of the proposed rules:**  
These rules regulate livestock self-inspection in Arizona. The Department is considering the addition of self-inspection procedures for feedlots and dairies.
3. **A citation to all published notices relating to the proceeding:** None
4. **Name and address of agency personnel with whom persons may communicate regarding the rule:**  
Name: Shirley Conard, Rules Specialist  
Address: Arizona Department of Agriculture  
1601 North 7th Street, Room 434  
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6. **A timetable for agency decisions or other action in the proceeding:**  
None.

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**DEPARTMENT OF AGRICULTURE**

1. **Title and its heading:** Title 3, Agriculture  
**Chapter and its heading:** Chapter 3, Department of Agriculture – Environmental Services Division  
**Article and its heading:** Article 1. Definitions  
Article 2. Permits, Licenses and Certification  
Article 3. Requirements for Pesticide Use, Sales and Equipment  
Article 4. Recordkeeping and Reporting  
Article 5. Nonexclusive Lists of Serious, Nonserious and DeMinimis Violations
2. **Subject matter of the proposed rule:**  
These rules set the requirements for permits, licenses, certification, sales and equipment, recordkeeping and reporting, and serious, nonserious and de minimis violations. Terms have been updated and a clearer and more organized sentence structure has been developed.
3. **A citation to all published notices relating to the proceeding:** None
4. **Name and address of agency personnel with whom persons may communicate regarding the rule:**  
Name: Shirley Conard, Rules Specialist  
Address: Arizona Department of Agriculture  
1601 North 7th Street, Room 434  
Phoenix, Arizona 85006-2299  
Telephone Number: (602) 407-2834
4. **The time during which written submissions may be made:**  
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8 a.m. – 4:30 p.m. M – F  
Arizona Department of Agriculture  
1601 North 7th Street, Room 434  
Phoenix, Arizona 85006-2299
6. **A timetable for agency decisions or other action in the proceeding:** None.

**DEPARTMENT OF AGRICULTURE**

1. **Title and its heading:** Title 3, Agriculture  
**Chapter and its heading:** Chapter 3, Department of Agriculture - Environmental Services Division  
**Article and its heading:** Article 10, Agricultural Safety  
**Section numbers:**
2. **Subject matter of the proposed rules:**  
Worker Protection Standards. The rules govern worker protection standards and hazard information for pesticide workers and handlers. These worker protection rules are based on the Environmental Protection Agency's 1992 Worker Protection Standards. The rules deal with safety information, safe equipment operation, notification and posting, restrictions associated with, and during pesticide applications, entry restrictions and intervals, decontamination, personal protective measures, emergency assistance and the gravity-based penalty system.
3. **A citation to all published notices relating to the proceeding:**  
None
4. **Name and address of agency personnel with whom persons may communicate regarding the rule:**  
Name: Shirley Conard, Rules Specialist  
Address: Arizona Department of Agriculture  
1601 North 7th Street, Room 434  
Phoenix, Arizona 85006-2299  
Telephone Number: (602) 407-2834
5. **The time during which written submissions may be made:**  
8 a.m. – 5:00 p.m. M – F  
**The time and place where oral comments may be made:**  
8 a.m. – 4:30 p.m. M – F  
Arizona Department of Agriculture  
1601 North 7th Street, Room 434  
Phoenix, Arizona 85006-2299
6. **A timetable for agency decisions or other action in the proceeding:** None.

**DEPARTMENT OF AGRICULTURE**

1. **Title and its heading:** Title 3, Agriculture  
**Chapter and its heading:** Chapter 4, Department of Agriculture - Plant Services Division  
**Article and its heading:** Article 2, Quarantine  
**Section numbers:** R3-4-220
2. **Subject matter of the proposed rule:**  
This rule sets up entry requirements of citrus nursery stock to ensure that citrus shipments are free from pests, gives conditions for entry into Arizona, and lists specific treatments for used citrus appliances and citrus nursery stock.

Notices of Rulemaking Docket Opening

3. A citation to all published notices relating to the proceeding: None
4. Name and address of agency personnel with whom persons may communicate regarding the rule:  
Name: Shirley Conard, Rules Specialist  
Address: Arizona Department of Agriculture  
1601 North 7th Street, Room 434  
Phoenix, Arizona 85006-2299  
Telephone Number: (602) 407-2834
5. The time during which written submissions may be made:  
8 a.m. - 5:00 p.m. M - F  
The time and place where oral comments may be made:  
8 a.m. - 4:30 p.m. M - F  
Arizona Department of Agriculture  
1601 North 7th Street, Room 434  
Phoenix, Arizona 85006-2299
6. A timetable for agency decisions or other action in the proceeding: None.

DEPARTMENT OF AGRICULTURE

1. Title and its heading: Title 3, Agriculture  
Chapter and its heading: Chapter 4, Department of Agriculture - Plant Services Division  
Article and its heading: Article 2, Quarantine  
Section numbers: R3-4-229
2. Subject matter of the proposed rule:  
Nut Tree Pests. The amended rule removes outdated and gender specific terminology, corrects a scientific term, removes unnecessary verbiage, eliminates treatment at the point of origin as a condition for entry into Arizona and adds additional quarantined counties in New Mexico.
3. A citation to all published notices relating to the proceeding: None
4. Name and address of agency personnel with whom persons may communicate regarding the rule:  
Name: Shirley Conard, Rules Specialist  
Address: Arizona Department of Agriculture  
1601 North 7th Street, Room 434  
Phoenix, Arizona 85006-2299  
Telephone Number: (602) 407-2834
5. The time during which written submissions may be made:  
8 a.m. - 5:00 p.m. M - F  
The time and place where oral comments may be made:  
8 a.m. - 4:30 p.m. M - F  
Arizona Department of Agriculture  
1601 North 7th Street, Room 434  
Phoenix, Arizona 85006-2299
6. A timetable for agency decisions or other action in the proceeding: None.

DEPARTMENT OF AGRICULTURE

1. Title and its heading: Title 3, Agriculture  
Chapter and its heading: Chapter 4, Plant Services Division  
Article and its heading: Article 3, Nursery
1. Subject matter of the proposed rules:  
These rules set up the nursery certification program for nursery stock. In order to provide a clearer and more concise rule package, the Department proposes to consolidate the rules and remove unnecessary and redundant language.
2. A citation to all published notices relating to the proceeding: None
3. Name and address of agency personnel with whom persons may communicate regarding the rule:  
Name: Shirley Conard, Rules Specialist  
Address: Arizona Department of Agriculture  
1601 North 7th Street, Room 434  
Phoenix, Arizona 85006-2299  
Telephone Number: (602) 407-2834
4. The time during which written submissions may be made:  
8 a.m. - 5:00 p.m. M - F
5. The time and place where oral comments may be made:  
8 a.m. - 4:30 p.m. M - F  
Arizona Department of Agriculture  
1601 North 7th Street, Room 434  
Phoenix, Arizona 85006-2299
6. A timetable for agency decisions or other action in the proceeding: None.

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**DEPARTMENT OF AGRICULTURE**

1. **Title and its heading:** Title 3, Agriculture  
**Chapter and its heading:** Chapter 4, Department of Agriculture - Plant Services Division  
**Article and its heading:** Article 10, Organic Food Certification  
**Section numbers:** R3-4-220, R3-4-229, R3-4-301, R3-4-302, R3-4-303, R3-4-304, R3-4-305, R3-4-306, Article 10
2. **Subject matter of the proposed rules:**  
The Department proposes to set up a new Article to contain the new organic food certification rules. The rules set up a state certification program for producers and handlers of organic agricultural products. This program governs the production of food, feed and fiber produced without synthetic pesticides or fertilizers. Using the federal Organic Foods Production Act of 1990 as a guideline, standards for Arizona organic products have been established to ensure that a product sold or labeled as "Certified" or "Certification Pending" is produced and handled using organic methods. The rules outline the certification requirements; guides the producer, handler and retailer through the application process; sets up the standards for soil, crop and animal management; provides the parameters for the "OPAZ Certified" and the "OPAZ Certification Pending" logos; and explains the recordkeeping, auditing and testing procedures.
3. **A citation to all published notices relating to the proceeding:**  
January 18, 1994 at 10:00 a.m.  
Arizona Department of Agriculture  
1601 North 7th Street, Room 445  
Phoenix, Arizona 85006-2299
4. **Name and address of agency personnel with whom persons may communicate regarding the rule:**  
Name: Shirley Conard, Rules Specialist  
Address: Arizona Department of Agriculture  
1601 North 7th Street, Room 434  
Phoenix, Arizona 85006-2299  
Telephone Number: (602) 407-2834
5. **The time during which written submissions may be made:**  
8 a.m. - 5:00 p.m. M - F  
**The time and place where oral comments may be made:**  
8 a.m. - 4:30 p.m. M - F, at the Department of Agriculture as noted in question #4 above.
6. **A timetable for agency decisions or other action in the proceeding:**  
The Department has been meeting with the Organic Food Certification Advisory Committee since late 1992. Although delay in implementation of the National Organic Standards has slowed the rulemaking process, the Department intends to proceed with the rules.

**DEPARTMENT OF PUBLIC SAFETY**

1. **Title and its heading:** Title 13, Public Safety  
**Chapter and its heading:** Chapter 9, Department of Public Safety - Concealed Weapons  
**Article and its heading:** Article 1, General Provisions  
**Section numbers:** R13-9-101, R13-9-102, R13-9-103, R13-9-104, R13-9-105, R13-9-106, R13-9-107, R13-9-108, R13-9-109, R13-9-110, R13-9-111, and R13-9-112.
2. **The subject matter of the proposed rule:** The requirements and procedures and the adjudication process for the concealed weapon program mandated by state law.
3. **A citation to all published notices relating to the proceeding:** No notices have been published.
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**  
Name: Lieutenant Tom Clinkenbeard  
Address: P.O. Box 688, Phoenix, Arizona 85005-6488  
Telephone: (602) 223-2238  
Facsimile number: (602) 223-2347
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:** The Department will accept written comments until February 1, 1995. Oral comments may be made at public hearings to be announced.
6. **A timetable for agency decisions or other action on the proceeding, if known:** The Department anticipates submitted the proposed rules to the Secretary of State's Office by March 1, 1995.